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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

SAVANA REDDING, a minor, by her
mother and legal guardian, APRIL
REDDING,

Plaintiff,

v.

SAFFORD UNIFIED SCHOOL
DISTRICT #1; KERRY WILSON and
JANE DOE WILSON, husband and wife;
HELEN ROMERO and JOHN DOE
ROMERO, wife and husband; PEGGY
SCHWALLIER and JOHN DOE
SCHWALLIER, wife and husband;

Defendants.

No. CIV. 04-265-TUC-NFF

JOINT REPORT

**(Assigned to The Honorable Hector C.
Estrada)**

1 The parties hereby submit this Joint Report, which, pursuant to this Court's Order
2 dated September 3, 2009, includes the following:

3 1. Counsel have met and conferred regarding the matters discussed in this Joint
4 Report.

5 2. Plaintiff Savana Redding was strip searched by Defendants Peggy Schwallier
6 and Helen Romero, upon the orders of Defendant Kerry Wilson. In June 2009, the U.S.
7 Supreme Court ruled 8-1 that the strip search was unconstitutional and 7-2 that the
8 individual defendants enjoyed qualified immunity for damages stemming from their
9 constitutional violation. The Supreme Court subsequently remanded the case to this
10 Court to adjudicate Savana's *Monell* claim (*i.e.*, should the Defendant School District be
11 responsible for its employees' actions). Savana maintains that she will prove the
12 elements of both claims and that the damages from this strip search are substantial, while
13 Defendants maintain that Savana could not prove her claims and contend that the
14 damages from the strip search are inconsequential.

15 3. At this point—prior to discovery—the parties dispute numerous issues that
16 cannot be narrowed by stipulation. Following discovery, they likely will move for
17 summary judgment or summary adjudication.

18 4. Following discovery, the parties likely will file dispositive or partially
19 dispositive motions regarding whether the search was conducted pursuant to policy,
20 custom, practice, or the act of an employee with final policymaking authority on this
21 issue.

22 5. The parties will attempt to settle this matter through mediation with mediator
23 Chris Skelly. That mediation will take place on December 1, 2009, two days prior to the
24 status hearing before this Court. If the parties settle the case as a result of the mediation,
25 the parties will notify this Court expeditiously.

6. There is one related, pending case. When this Court, per Magistrate Judge Fiora's order, rejected Plaintiffs' Fourth Amendment claim, it declined to exercise jurisdiction over the then-pled negligence claim. While the appeal in this action was pending, in order to preserve her state-law claims, Savana filed a complaint in Superior Court (Graham County) against the defendants named in the complaint at bar.

7. The parties anticipate conducting discovery in this case. To date, neither party has conducted any discovery, as the only evidence upon which the parties relied in support of and in opposition to defendants' previously filed summary-judgment motion were the parties' affidavits. The parties propose the following discovery deadlines:

- All written discovery requests must be served by February 25, 2010.
- Disclosure of all lay witnesses by April 1, 2010.
- Expert disclosures required by Fed. R. Civ. P. 26(a)(2)(A) and (B) must be served by Plaintiffs no later than May 3, 2010. Expert disclosures required by Fed. R. Civ. P. 26(a)(2)(A) and (B) must be served by Defendants no later than May 19, 2010. Plaintiffs must serve rebuttal expert disclosures, if any, no later than June 4, 2010.
- Witnesses, including expert witnesses, may be deposed no later than the discovery completion date of July 23, 2010.

8. If the Court imposes the discovery deadlines that the parties request above, the parties suggest the following subsequent deadlines:

- Dispositive motions: August 12, 2010
- Joint letter regarding status of settlement discussions: August 19, 2010
- Pretrial disclosure of witnesses and expert testimony pursuant to FRCP 26(a)(2),(3): *See* Number 7, *supra*.
- Lodging of proposed joint pretrial order: November 15, 2010

9. The parties estimate that a trial would last 7 days. They request that a trial would start on or about December 6, 2010.

10. A jury trial has not been requested.

11. Prospects for settlement: The parties are participating in a mediation on December 1, 2009. *See* Number 5, *supra*.

1 Dated: November 24, 2009

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On Behalf Of All Parties

CERTIFICATE OF SERVICE

I, Adam B. Wolf, hereby certify that on November 24, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Date: November 24, 2009

s/Adam B. Wolf

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